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January 5, 2016

Hon. Shira A. Scheindlin
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
40 Foley Square, Room 1620
New York, NY 10007

Re: *In re M/V MSC FLAMINIA* – Master File: SDNY No. 12 Civ. 8892 (SAS)

Dear Judge Scheindlin,

We are the attorneys for the Plaintiffs Conti 11. Container Schiffahrts-GMBH & Co. KG MSC “FLAMINIA” (“Conti”) and NSB Niederelbe Schiffahrtsgesellschaft MBH & Co. KG (“NSB”), who are the owner and operator of the M/V MSC FLAMINIA in the above-referenced action. We submit this joint status letter on behalf of all parties

Current Document Discovery and Depositions

In response to the balance of the open discovery requests, the parties continue to produce responsive documents. On occasion there have been disputes. Some have been resolved amicably, and a few required judicial assistance.

As previously reported at the beginning of October, 49 witnesses had been deposed in the US and abroad. The parties have since conducted an additional 39 depositions over the last three months for a total of 88 fact discovery depositions on liability.

There remain a limited number of prior deposition requests to be addressed. These corresponding depositions are expected to be conducted in the early part of 2016 as some witnesses could not be conveniently scheduled before the 2015 ended. As previously reported, these remaining depositions are not expected to require a change the current deadlines for expert reports and discovery.

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Deltech recently wrote to the Court requesting an opportunity to conduct discovery of shippers of Bleached Kraft Pulp, both of whom are parties to this lawsuit, and discovery of a nonparty by way of a subpoena. (See Document # 790). Stolt intends to join in this request and will submit a letter to the Court shortly. Counsel for the shippers of the Bleached Kraft Pulp are opposing this request. (See Document # 793).

Expert Discovery

The majority of the joint testing has been completed by a mutually agreed laboratory in Denmark. For now, the experts are awaiting requested results and reports from the laboratory. Additional and independent testing might be done in due course.

Siuta Estate Claim

Counsel for Petitioners are preparing their letter to the Estate's counsel, as required by Your Honor's Individual Rules, explaining the grounds for Petitioners' intended motion to dismiss the Estate claim on choice-of-law principles. The letter will be served by January 15, 2016. Thereafter, assuming the need for the motion continues, counsel for the Petitioners plan to file their motion to dismiss by mid-February 2016.

Settlement and Court Conferences

The parties appeared before Magistrate Judge Pitman on September 28, 2015 to discuss settlement. Given the current status of fact discovery at that time, it was agreed that all "potential payors" would reconvene before the Magistrate Judge on January 6, 2016. The purpose of this next conference is to determine whether enough fact and expert discovery has been completed to allow substantive settlement discussions to be scheduled. Even if settlement is not yet possible, it is expected that at least one additional conference will be scheduled with the Magistrate Judge.

A court conference had originally been set for December 7, 2015. However, under the circumstances and in light of the pending conference before the Magistrate Judge in early January, the parties will instead appear before Your Honor on January 12, 2016.

Summary

The parties continue to cooperate to produce requested documents and information. As described above, there is one discovery dispute before the Court.

A total of 88 depositions have been conducted for fact discovery on liability. The limited remaining depositions will be scheduled at the convenience of all involved and without impact to expert discovery deadlines.

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The majority of the testing by a mutually agreed upon lab in Denmark is complete. The parties continue to await requested reports from the lab.

The parties have appeared before Magistrate Judge Pitman to discuss settlement and the majority of the parties will meet with him again on January 6, 2016. All of the parties will appear before Your Honor on January 12, 2016.

If there are any questions, please do not hesitate to contact us. Otherwise, we thank you in advance for your consideration and continued assistance.

Respectfully submitted,

MONTGOMERY MCCRACKEN
WALKER & RHOADS, LLP

/s/ Timothy Semenoro

Eugene J. O'Connor
Timothy Semenoro

CC by ECF and E-mail to all counsel of record